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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,862

04/30/2007

Suresh Pareek

11336.1024USWO

2770

52835

7590

03/05/2012

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EXAMINER

TRAN, SUSAN T

ART UNIT

PAPER NUMBER

1615

MAIL DATE

DELIVERY MODE

03/05/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,862	PAREEK ET AL.	
	Examiner	Art Unit	
	SUSAN TRAN	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-8 and 11-15 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-8 and 11-15 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/09/12 has been entered.

Claim Rejections - 35 USC § 103

Claims 1-8 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deshpande et al. US 2004/0028737, in view of Mehra et al. US 5,733,575.

Deshpande teaches an enteric coating composition comprising methacrylate copolymer type C, polyethylene glycol 600, titanium dioxide, and talc (examples 1-4 and 8). The amounts of the above components disclosed in the examples fall within the claimed ranges, e.g., about 60% methacrylate copolymer type C, about 6% plasticizer, about 7% opacifier, and about 24% detackifier.

Deshpande does not expressly teach that the coating composition is in powder form.

Mehra teaches a powder coating composition that is non-toxic and edible. The powder coating composition comprises enteric film forming polymer (abstract; and columns 3-4). Thus, it would have been obvious to one of ordinary skill in the art to

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prepare a coating composition in powder form in view of the teachings of Mehra to obtain the claimed invention. This is because Mehra teaches a dry powder coating that can overcome the disadvantages of the known aqueous coating compositions (column 1), because Mehra teaches a dry powder coating composition that is non-toxic and edible, because Mehra teaches that a dry powder coating composition provides an enteric coating that is less tacky and does not have the odor of ammonium hydroxide, and because Mehra teaches that a dry powder coating composition is known in the art.

Response to Arguments

In response to Applicant's arguments that the coating composition of Deshpande comprises the alkalinizing agent, Applicant's attention is called to all Examples disclosed in Deshpande. The Examiner notes that the coating composition itself does not comprise any alkalinizing agent. Note, the claims clearly recited that "the dry powder composition does not contain any alkalinizing agent". Further, the claims are directed to a dry powder composition. As such, the claims do not preclude suspending the dry coating composition in an aqueous solution that contains any alkalinizing agent. The Examiner notes that the coating composition of Deshpande before suspended in isopropyl alcohol and water, does not comprise any ammonia solution. See Examples. Accordingly, Deshpande does teach a dry coating composition that does not comprise any alkalinizing agent.

For at least the above reasons, the rejections over Deshpande are maintained.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on M-F 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Tran/
Primary Examiner, Art Unit 1615